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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,608	03/01/2004	Sanjiv K. Gupta	2003-115-TAP	9580

7590 06/28/2005

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EXAMINER

HABERMEHL, JAMES LEE

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,608

Applicant(s)

GUPTA ET AL.

Examiner

James L. Habermehl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1 Mar 04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. This Office action is in response to application papers filed 1 March 2004.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitations "said drive carriage" and "said magazine carriage" in lines 3-5. There is insufficient antecedent basis for this limitation in the claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Manes. Manes Figures 8A-10 meet all the limitations of claims 1, 9, 11, 17, and 19, including exchange unit (400) comprising a movable transport unit (410), movable drive unit (450/470/490) wherein the motor and belt move and therefore comprise a movable drive unit that is linked to the transport unit by the pivot (430), and a direction translation unit (420/425) coupled to the transport unit and drive unit through at least the ball joint, the corner of the

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terminal port (420), and the cam follower (510). The translation unit is operable to translate forward and reverse stroke in an axis parallel to sidewalls of library 1 and library 2, in at least the case where the two libraries are the same size and lined up next to each other and where the side walls are defined as the walls in Figure 10 closest to the labels "LIBRARY 1" and "LIBRARY 2," to a radial movement toward and away from the sidewalls as the cam follower (510) follows the left and right cam surfaces (520).

Regarding claims 2, 10, and 18, Manes is an automated magnetic tape library.

Regarding claim 3, Moy et al. (4,864,511) Figure 21a, incorporated by reference into Manes, shows at least one tape storage unit comprises a magazine.

Regarding claims 4, 12, and 20, the magazine comprises the carriage (440), so the carriage comprises a magazine carriage.

Regarding claims 5 and 13, the drive unit comprises the carriage (440), so the carriage comprises a drive carriage.

Regarding claims 6, 14, and 16, the radial movement of the transport unit is caused by the cam surfaces (420) which define the track of movement of the transport unit, so the radial movement comprises movement guided by a radial track.

6. Claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all

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of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Claims 7 and 15 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose an automated tape library system comprising the sidewall of the first tape library includes a first pass-through port and the sidewall of the second tape library includes a second pass-through port, as presented in the environment of claims 7 and 15. It is noted that the closest prior art, Manes, shows an automated tape library system with pass-through ports on the back walls of the first and second libraries. However, Sato et al. fails to disclose the sidewall of the first tape library includes a first pass-through port and the sidewall of the second tape library includes a second pass-through port as claimed.

Claim 8 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose an automated tape library system comprising a drive motor coupled to a drive carriage, a linkage coupling the drive carriage to a magazine carriage, and tracks for guiding movement of the magazine carriage, as presented in the environment of claim 8. It is noted that the closest prior art, Manes, shows an automated tape library system with a drive motor coupled to a carriage and tracks for guiding movement of the carriage. However, Sato et al. fails to disclose a drive motor coupled to a drive carriage, a linkage coupling the drive carriage to a magazine carriage, and tracks for guiding movement of the magazine carriage as claimed.

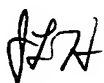
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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mueller et al. and Kersey et al. are examples of tape cartridge transport units that use reciprocating and radial motion.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James L. Habermehl whose telephone number is (571)272-7556. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571)272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Habermehl/jlh
22 Jun 05



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SUPERVISORY PATENT EXAMINER
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